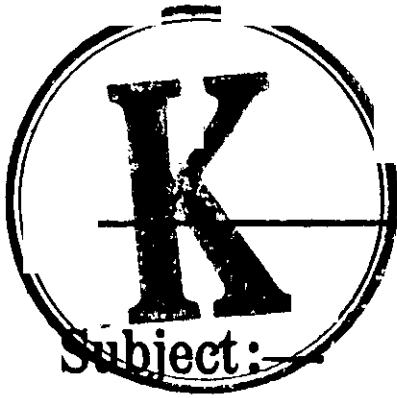


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File No. *Destruction of
Records II/41*



Legal DEPARTMENT
B BRANCH

*Rules and Notification under
the Destruction of Records Act 1917*

File No. *Destruction of Records II/41*

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V. V. V. V.
16/4/1950.

16/4

R.L.A. Office.

A revised draft notification is sent herewith.

2. The Revenue Department may consider whether the Commissioner, Central Division, should not similarly be authorised under section 3(2)(c)(i) of the Destruction of Records Act, 1917, to make rules for the destruction of documents in the Alienation Office relating to the purposes of the Province of Bombay, if there are no rules in force relating to such records.

O.C.

Sd/-
dt/-

For Remembrancer of Legal Affairs.

U.R. to R.D. No., 2520 dt. 19th March 1941.

V.V.K.

16th April. 1956.

NOTIFICATION.

The Destruction of
Records Act, 1917 (V of
1917).

Revenue Department.

Bombay Castle,

1941.

No.

:- In exercise of the

functions of the Central Government under Sub-clause (ii) of clause (c) of sub-section

(2) of section 3 of the Destruction of Records Act, 1917 (V of 1917), entrusted to Provincial Governments by the Government of India, Department of Education, Health and Lands Notification (Education I, No. F-49-2/39-

E, dated the 29th October 1940, the Government of Bombay is pleased to authorise the Commissioner, Central Division, to make, with the previous approval of the Government of Bombay, rules for the disposal, by destruction or otherwise, of the Alienation Office Records, which neither relate to the purposes of the Province of Bombay, nor are partly or exclusively the property of the Crown Representative, and which are in his opinion not of sufficient public value to justify their preservation.

By order of the Governor of Bombay

Secretary to Government.

V.V.K.
16-4-1956.

Office of the R.L.A.

A revised draft notification is sent herewith. The following remarks are made :-

(a) Rule 2.- The word " Act " has not been used in the rules. The definition of "Act" in P.& S.D. draft rule 2(i) at p.109 has therefore been omitted. A new definition of the expression " enemy" which is used in rule 4 of the revised draft notification is inserted in this rule. The definition is on the lines of the definition contained in rule 2 (1) of the Defence of India Rules. For the purposes of these rules, ~~it~~ would be more appropriate to restrict the definition of "records" to documents which are in the possession & custody of a department. The revised definition provides accordingly.

(b) Rule 4 of the revised draft notification corresponds to P. & S.D. draft rule 5. It appears from the proviso, that records are to be destroyed either by tearing or burning. In that case, burning also should be carried out in the presence of a responsible officer. The revised draft rule provides accordingly.

(c) Other changes are made in the rules from the drafting point of view.

Sd/- P.N.M.
O.C. Dt/-31/7

Remembrancer of Legal Affairs.

U.R. to P.& S.D. No. 6809 dated the 2nd August 1941

V.V.K.
16/4/56.

NOTIFICATION.

Political & Services Department
Bombay Castle, 1941.

No. .- In exercise of the functions of the Central Government under section 3 of the Destruction of Records Act, 1917 (V of 1917) entrusted to the Provincial Governments by Government of India, Department of Education, Health and Lands (Education), Notification No. F-49-2/39-E dated ^{1/}the 29th October 1940, the Government of Bombay is pleased to make the following rules, namely:-

Short title.

1. These rules may be called the Bombay Government Secretariat Departments Destruction of (Central) Records Rules, 1941.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context-

(i) "department" means a department of the Secretariat of the Government of Bombay ,

(ii) "enemy" means person or State at war with His Majesty and

(iii) "records" means documents which are in the possession or custody of any department and which do not relate to the purposes of the Province of Bombay or to elections to either Chamber of the Indian Legislature and which are not partly or exclusively the property of the Crown

Classification ^{of} records for the purpose of destruction. - Representative.

3. All records dealt with in any department shall be classified by such department in to the following classes, having regard to the period for which such records should in the opinion of such department be preserved, namely

- A - to be preserved permanently.
- B - -do - for a period of 30 years.
- C - -do - for a period of 5 years.
- D - to be preserved until their purpose is served and in any case not later than the end of the year following that in which they were filed.

Manner of destruction of records.

4. The records may be destroyed either
- (i) by tearing, or
 - (ii) by burning

in the presence of a responsible officer:

Provided however, that records of a secret or confidential nature or records which are likely to be of value to the enemy shall be destroyed only by burning.

Disposal after the records are destroyed.

5. The records destroyed in the manner prescribed in clause (i) of rule 4 may be sold or otherwise disposed of in such manner as the department thinks fit.

Register of records destroyed.

6. A register shall be maintained by each department, showing-

- (i) the particulars in brief of the records destroyed,

- (ii) the mode of destruction of such records, and

- (iii) the date of destruction of such records.

V.V.K.
16/4/1956.

By order of the Governor of Bombay,

Chief Secretary to Government.